

02D02-1905-CT-000301

Allen Superior Court 2

Filed: 5/22/2019 8:40 AM

Clerk

Allen County, Indiana

TM

**IN THE ALLEN SUPERIOR COURT  
STATE OF INDIANA**

TRISHA PENCE,	)	CAUSE NO.
	)	
PLAINTIFF,	)	
	)	
V.	)	
	)	
WESTERN EXPRESS INC. and JERRY	)	
ROSS,	)	
	)	
DEFENDANTS.	)	

**COMPLAINT FOR DAMAGES**

Plaintiff Trisha Pence, by counsel Glaser & Ebbs, LLC, for her Complaint against Western Express Inc. and Jerry Ross states as follows:

**NATURE OF ACTION**

1. This is a civil action for personal injuries suffered by Trisha Pence (“Mrs. Pence”) against Defendant Western Express Inc. (“Defendant Western Express”) and Defendant Jerry Ross (“Defendant Ross”). This action arises out of a car crash that occurred on November 28, 2018 at the intersection of Ley Road and Lima Road in Allen County, Indiana during which Defendant Jerry Ross failed, *inter alia*, to stop at the red light and pulled into the path of the vehicle driven by Mrs. Pence. At the time of the incident, Defendant Ross was in the course of his employment for Defendant Western Express. Defendant Ross’ negligence caused significant injuries to Mrs. Pence.

## **THE PARTIES**

2. On November 28, 2018 Mrs. Pence was and is a resident of Allen County, Indiana.

3. On November 28, 2018 upon information and belief, Defendant Ross was and is a resident of Henry County, Virginia.

4. On November 28, 2018, upon information and belief, Western Express was a for-profit corporation operating in Indiana with its registered agent in Indianapolis, Indiana.

## **VENUE**

5. Venue is proper in this court because the collision occurred in Allen County, Indiana.

## **ALLEGATIONS AND CLAIM FOR RELIEF**

6. On November 28, 2018, Mrs. Pence was driving her vehicle westbound on Ley Road in Allen County, Indiana when Defendant Ross who was traveling northbound on Lima road failed, *inter alia*, to stop for a red light, to maintain a proper lookout, maintain control of his vehicle, and then suddenly and without warning pulled out into the intersection in front of Mrs. Pence's vehicle.

## **FIRST COUNT – NEGLIGENCE**

7. Mrs. Pence incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

8. Defendant Ross was careless and negligent in the operation of his motor vehicle, which negligence proximately caused Mrs. Pence to suffer significant personal injuries and damages.

9. As a direct and proximate result of Defendant Ross' negligence, Mrs. Pence sustained severe and painful bodily injuries including, but not limited to, a miscarriage.

### **SECOND COUNT – RESPONDEAT SUPERIOR**

10. Mrs Pence incorporates all preceding paragraphs of this Complaint as if fully set forth herein.

11. On November 28, 2018, as a direct and proximate result of Defendant Ross' negligence while acting in the scope of his employment for Defendant Western Express, Mrs. Pence has suffered personal injuries.

### **THIRD COUNT – NEGLIGENCE HIRING AND RETENTION**

12. Mrs. Pence incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

13. At the time of this crash, Defendant Western Express recklessly or negligently entrusted its vehicle and equipment to Defendant Ross when it knew or should have known that Defendant Ross was incapable of undertaking or completing the safe operation of said vehicle, and such conduct was reasonably foreseeable to cause injury.

14. Defendant Western Express negligently hired and/or retained Defendant Ross which resulted in this collision.

**WHEREFORE**, Trisha Pence prays that the Court enter judgment in her favor and against Western Express Inc. and Jerry Ross in an amount commensurate with her damages, and for any further and additional relief as this Court deems just and proper.

Dated: May 22, 2019

Respectfully submitted,  
**GLASER & EBBS, LLC**

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